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INDONESIA

President Soeharto and the Indonesian Armed Forces (ABRI)--which include the military services and the police--are the preeminent institutions in Indonesia's "New Order" Government which came to power in the mid-1960's after an abortive coup backed by the Communist party. Since 1967 executive authority has been exercised by retired and active-duty military officers and civilian technocrats under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) does not usually draft laws on its own but considers laws proposed by government departments and agencies. The People's Consultative Assembly (MPR)--consisting of the DPR's 500 members and another 500 appointed members--meets every 5 years to approve guidelines for government policy and elect the President and the Vice President. On March 11, the MPR reelected President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President.

In reaction to the Sukarno era's legacy of political and economic turmoil, the Government's priorities have been stability, economic development, and social equity. It has achieved positive results in each area, particularly in the rural sector. Nevertheless, despite substantial increases in real incomes in the past 20 years, the country is still poor, with wide disparities in wealth and in access to the benefits of material progress.

With a population of around 180 million, Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian governments have sought to create a unique national identity and to accommodate a diversity of ethnic, linguistic, religious, and social groups, while assuring internal security and cohesion. The centerpiece of the Soeharto Government's political program is "Pancasila," an eclectic state ideology consisting of five broad principles: belief in one supreme god, belief in a just and civilized humanity, Indonesian national unity, democracy, and social justice. Under the Pancasila rubric, the Government successfully encourages religions to coexist in peace and emphasizes the major role of consultation and consensus in decisionmaking.

The armed forces, including the police, number about 380,000. A little less than half of these serve in the army, which historically has been primarily concerned with internal security. Under a "dual function" concept, many military officers have been seconded to Parliament and the civilian bureaucracy at all government levels.

Indonesia's mixed economy involves the State in nearly all sectors. The collapse in world oil prices has encouraged major government efforts at deregulation, aimed primarily at stimulating growth in nonoil sectors. Combined with the 1986 devaluation, the deregulation measures helped increase nonoil exports by over 30 percent in 1987. Similar nonoil export growth is anticipated for 1988. Real gross domestic product (GDP) growth in 1988 is expected to exceed 4 percent. These growth rates, while significant in a period of economic adjustment, are not sufficient to provide employment for all of the 2 million new entrants in the labor market each year. Corruption and influence peddling are endemic and restrict growth and economic opportunity.

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In 1988 the Government continued efforts to consolidate control, promote development, and improve living standards in East Timor. The army continued to maintain a substantial presence in the province, where periodic skirmishes with Fretilin guerrillas produced an unknown but apparently small number of casualties on both sides. Restrictions remained on travel to and from East Timor, although the Government appeared to be easing access by diplomats and other foreigners through escorted visits and in December announced the end of special travel requirements as of January 1, 1989. In Irian Jaya, sporadic fighting occurred between the army and the Organization for a Free Papua (OPM) rebels, whose isolated acts of violence target Irianese villagers and settlers from elsewhere in Indonesia as well as government forces.

Indonesia's human rights performance in 1988 was mixed. Positive aspects included the release from detention of several East Timorese suspected of supporting Fretilin; legal action against several police officials charged with mistreating prisoners; the considerable freedom of religion (although the Government has dealt harshly with efforts by Muslim activists to organize opposition); the significant role played by minority groups and women in government, the military, and the professions; and a modest opening of the political process that resulted from the debate over the President's choice of Vice President. Negative aspects included the abuse of prisoners, at times resulting in death; a policy of "shooting to wound" suspected criminals resisting arrest in Medan; significant restrictions on freedoms of the press and movement; and pervasive political controls which ensure continued military domination of the governmental system.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There were no substantiated reports of killings for political reasons in 1988; one human rights group called on the Government to investigate the deaths in February of two members of the civilian militia in East Timor.

b. Disappearance

No exact figures or confirmed identities are available on the small number of disappearances widely believed to occur each year. Security forces, often acting outside the legal constraints of the Criminal Code, are thought to be responsible for disappearances that have occurred in East Timor and Irian Jaya. Reports are often unspecific and difficult to confirm, although the Government has responded to inquiries about missing persons submitted through international organizations. Regularized International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has helped to locate some missing persons in past years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are frequent credible reports of torture and mistreatment of criminal suspects, detainees, and prisoners,

although the Government publicly condemns such practices. In one instance, eight convicts died of apparent dehydration and suffocation at sea while under transport from one facility to another. Standard police treatment of detainees, even in minor incidents, often results in physical abuse. Officials publicly acknowledged and condemned the existence of police brutality and unacceptable prison conditions. There have been allegations of torture of suspected Fretilin sympathizers in East Timor by security forces. The policy of "shooting to wound" suspected criminals allegedly attempting to elude arrest continued in Medan throughout 1988. The local press reported several such incidents each month, in which police shot suspects in the legs, often repeatedly. Many cases resulted in crippling injuries. The Government disciplined several police and prison officials charged with killing or mistreating prisoners or with making illegal arrests. Some of those were tried and sentenced to jail terms.

There has been no repetition of the large-scale killing of suspected criminals that took place from 1982 to 1985, but reports circulated occasionally of unexplained killings. In a recent instance of a "mysterious killing," i.e., summary execution of suspected criminals, the Government said criminal gangs were responsible.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family, although in practice these safeguards frequently are not respected. KUHAP provisions are honored more often in urban areas than in small towns or remote provinces. Security agencies arrest and detain persons to intimidate and otherwise to inhibit activities they do not wish to take place. While such actions may have little or no legal basis, there are no legal mechanisms for redress.

Emergency security provisions have permitted exceptions to KUHAP procedures under which arrests and detentions could be made by the Command for the Restoration of Security and Order (KOPKAMTIB). A Presidential Decree in September dissolved KOPKAMTIB and established in its place the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS). Indonesian law did not provide for the right to judicial review of the legality of detention by KOPKAMTIB. It had wide, special powers to detain and interrogate persons thought to threaten national security, particularly cases of suspected subversion, sabotage, secession, or corruption. Arrests or detentions under these powers were rarely if ever made public. Persons arrested and held under KOPKAMTIB provisions had no legal right to protection or legal aid. At year's end, the precise functions and powers of BAKORSTANAS had yet to be clearly defined.

Precise numbers of persons detained without trial were unavailable. Human rights observers estimate there may be as many as 500 throughout Indonesia.

Some East Timorese exiled from their villages several years ago were permitted to return to their original homes in 1988, reflecting a general easing of conditions there. However, several hundred persons were reportedly detained in East Timor for unspecified security reasons just

within a week after the visit, but around 10 were still being held as of mid-December.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

As government employees, judges in Indonesia come under the jurisdiction of the executive branch, which limits the independence of the judiciary. The courts and the Ministry of Justice have wide authority to suspend or disbar attorneys from practicing their profession for behavior deemed inappropriate inside and outside the court. Corruption permeates the Indonesian legal system. In criminal proceedings, defendants are frequently able to buy their way out of prosecution. In civil cases, court decisions are sometimes influenced by the payment of bribes. The Government from time to time has taken action against particularly flagrant offenders, but by and large these abuses continue unchecked.

In cases involving what could be defined broadly as "security" issues, particularly instances in which persons are being tried under the Subversion Provisions of 1963, the accused are rarely, if ever, found innocent. In all such security-related cases, it is widely believed the Government will ensure conviction irrespective of the evidence presented in court. Such convictions are aided by the court's ability to restrict evidence presented by the defense. Although the Government does not provide data on the number of persons serving sentences for subversion, one reliable estimate suggests there may be several hundred. Several subversion trials took place in 1988, most related to alleged Muslim extremist activity. Human rights observers alleged that in many cases the accused were imprisoned for peaceful protest activities. They were always found guilty.

As a result of increasing crime rates and shortages of judicial personnel, trials are frequently delayed. A three-judge panel conducts trials, hears evidence, decides guilt or innocence, and assesses punishment. Although the right of appeal is not absolute, it is observed in most cases. Initial judgments are rarely reversed, although sentences are occasionally reduced. Most court sessions are open to the public, and most defendants, if they can pay, have access to counsel. If destitute, defendants can find private legal help such as that provided by the Legal Aid Institute, or the court, at its discretion, can provide a limited amount of aid for those unable to afford legal assistance. The State must assure legal assistance in capital cases.

Two former Indonesian army and Communist Party members, implicated in the death of two generals during the 1965 coup attempt and sentenced to death in the late 1960's, were executed in mid-October. Foreign human rights groups have questioned the fairness of the trial procedures used to convict these and other individuals.

The Minister of Justice announced in May that the well-known human rights activist Adnan Buyung Nasution could resume the law practice from which he had been suspended for 1 year for alleged contempt of court. Over government objections, a district court in July asserted its jurisdiction over the

upheld the Minister's right to cite Buyung with contempt in January 1986 under a law not issued until March that year and ordered Buyung to pay nominal court costs. He is expected to appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs periodically, especially in East Timor. Security agencies also conduct surveillance of persons and residences for the purpose of intimidation. Both local and international telephone calls are believed to be monitored selectively, without legal restraint, by government security agencies. Special government approval is no longer needed for telephone communication between Jakarta and East Timor, since the installation in 1988 of four direct telephone lines. Although correspondence generally is not monitored, letter mail to and from East Timor is subject to official scrutiny.

The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit. Some foreign newspapers and magazines, especially from Australia, cannot be imported. The importation of Communist publications is prohibited.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are significant restrictions on freedom of speech and press. Parliament has helped create a body of law delimiting the rights of individuals and of the Government, although in the absence of implementing regulations or effective judicial review different government agencies frequently interpret these laws as they choose. Agencies thus have considerable discretionary authority. Governmental concern about public statements or publications which could be perceived as critical of the Government is a major factor inhibiting the exercise of free speech and press. Direct criticism of top leaders and their relatives is not tolerated. Opposition groups are generally free to meet privately and formulate views, but they have trouble disseminating their views publicly because of media reluctance to risk official disapproval or because of informal government instructions not to publish the opinions of or news about prominent opposition figures. The Minister of Religion announced that Muslim preachers would not be censored or controlled during the widely attended annual Muslim holidays. There were no reported arrests of Muslim preachers on that occasion, as has happened in past years.

While the general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press, the limits of government tolerance are regularly tested. School faculties sometimes refrain from producing materials, including dissertations, which they believe might provoke government displeasure. Publishers also are unwilling to accept manuscripts dealing with controversial issues. Foreign

importers. Foreign periodicals, readily available in Indonesia, are often censored by their private importers in order to avoid government confiscation of the materials. With few exceptions this self-censorship is thorough and effectively responds to government concerns. In 1988 there appeared to be some relaxation of censorship of foreign newspapers.

The press is largely privately owned. While the Government supports the idea of a "free" press, it expects the media to be "responsible" by supporting national economic development goals and domestic stability. The Government closely monitors the media for material it finds unacceptable. In such instances, editors or journalists routinely receive oral instructions from government officials about news which cannot be reported. Articles and editorials do address and debate sensitive issues, however, and journalists sometimes have wide latitude within the vaguely defined limitations.

Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported nor produced domestically. Chinese characters are routinely blotted out of foreign news photos and advertising. No laws prohibit speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

In 1988 the press received several written and oral warnings against providing employment to or publishing the writings of persons suspected of past Communist ties and downplaying the role of the banned Indonesian Communist Party in the 1965 coup. The Attorney General banned several books, including some written or edited by Pramoedya Ananta Toer, on the grounds that they contained Communist teachings and ideology. The Attorney General also announced the Government's intention to investigate Pramoedya's publisher. Suara Pembaruan, the successor to a Jakarta daily newspaper banned in 1986, operated throughout the year subject to the same limitations as other publications.

The Government continued to regulate closely resident and visiting foreign correspondents. Some were denied entry, although several U.S. journalists who previously had difficulty were admitted. Several Australian journalists were permitted to visit, continuing a trend of increased access by journalists from that country since they were banned in 1986. The Government occasionally reminds resident journalists of its prerogative to deny requests for visa extensions, although it did not deny any such requests in 1988.

There is a single government-operated television network, although television signals from neighboring countries are received in some parts of Indonesia. A private company started a cable television service in Jakarta. The more than 400 private radio stations may only use government-provided news programs.

b. Freedom of Peaceful Assembly and Association

Regional and national meetings of virtually all organizations, including labor organizations, must have government permission, and local jurisdictions often require prior approval for smaller, local gatherings as well. While such approval is usually granted, local authorities can and do

local government usually authorizes public assembly for social and ceremonial events and, as long as there is no perceived security risk, grants political parties permission to meet publicly.

The 1985 "Social Organizations" (or "Ormas") Law requires all organizations, including recognized religions and associations, to adhere to the Pancasila state ideology. This provision is widely understood as prohibiting groups which advocate making Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against the tenets of Pancasila. The Government disbanded two organizations in 1987, but it took no such actions in 1988. The law stipulates that government approval is required before any organization can accept funding from foreign donors.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

The Constitution provides for religious freedom for the four major religions recognized by the State--Islam, Christianity, Buddhism, and Hinduism. Indonesia has traditionally displayed a high degree of religious toleration. The Government has taken a very strong position against Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. In 1988 about a dozen Muslim activists were sentenced to prison terms for alleged subversive activities stemming from that prohibition. Although the Indonesian population is overwhelmingly Muslim, the practice and teaching of the other recognized faiths are respected. Many mystical and folk religions and sects also exist. Government leaders actually encourage some of these, but bannings occur periodically, affecting perhaps 20,000 adherents. The Attorney General has said 382 cults are currently banned. While the Government often tolerates private practice of banned religions, local authorities occasionally harass adherents of such groups. The legal requirement to adhere to the governing Pancasila ideology extends to all religious and secular organizations.

A 1972 letter of the Attorney General reiterated a Presidential Decree of 1962 banning membership in Jehovah's Witnesses and the Baha'i faith. Several Jehovah's Witnesses were reportedly arrested and their relatives put under surveillance. From time to time authorities harass or discriminate against Baha'is for their religious beliefs, and several have been strongly pressured to convert to Islam. Because the first tenet of Pancasila is belief in a supreme being, atheism is forbidden. Some animists in remote parts of Indonesia have reportedly been pressured to convert to Islam or Christianity in order to fulfill the requirement of belief in a supreme being. No legal bars forbid religious conversion between faiths, and conversions occur. However, proselytizing in heavily Islamic areas is seen as potentially disruptive and is discouraged.

In many cases, foreign missionary activities are relatively unimpeded. In fact, they are welcomed in remoter districts, where government resources in fields such as education and health are insufficient. They make significant contributions

difficulty in renewing visas or residence permits. Normally, the Government does not allow foreign missionaries and other foreign workers to spend more than 10 years (15 in exceptional circumstances only) in Indonesia. Enforcement of this policy does not discriminate by sect or nationality. The Government reconfirmed its intention to reduce the numbers of foreign missionaries in order to encourage the employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the Ormas Law discussed above.

Official holidays include Christian, Hindu, and Buddhist, as well as Muslim, holy days. Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists inside and outside Indonesia. Travel to religious gatherings is permitted. Hajj trips to Mecca are available only through government-organized tours. The Government permits a set number of pilgrims to make the hajj annually.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are some restrictions on movement within Indonesia. The Government requires permits for changes of residence in certain areas, primarily to control the further shift of population from rural to urban locations. Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. An estimated 2,000 noncitizen ethnic Chinese accepted a government offer of immigration amnesty which expired in September and could eventually allow them to obtain citizenship. The Government said the remainder would be tried as illegal immigrants, and it is reportedly making preparations for a holding camp on Sumba Island.

Restrictions exist on movement by Indonesian and foreign citizens to and within East Timor and within parts of Irian Jaya. Since 1979 the Government has relocated many rural East Timorese living in the central and eastern parts of the province to isolate them from Fretilin rebels and, according to the Government, to facilitate their access to health, education, and other government services. Most Timorese require permission to travel within the province. In some areas of East Timor, residents may not farm beyond their immediate village area and are restricted to their village itself during military operations in the area. Despite these restrictions, the Government eased access by some foreign observers to the province, as exemplified by an October visit by an Australian state chief minister, accompanying journalists, and former East Timor residents. In December the Government announced that as of January 1, 1989, special travel requirements would end for East Timorese traveling to other provinces and for Indonesians from other provinces traveling to East Timor.

Former political detainees associated with the abortive 1965 coup attempt are restricted in the exercise of their political rights, required to notify authorities of their movements, may not change their place of residence without official permission, and have restrictions placed on their employment. Members or alleged supporters of the banned Communist Party of Indonesia (PKI) outside Indonesia have been allowed to return only on a case by case basis. Government security officials said they were intensifying efforts to keep track of all of the former members of the PKI and some 20 million

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Officials took steps to revoke the passports of over 100 alleged fugitives from justice charged with crimes, such as subversion, corruption and smuggling. In addition, the Government periodically restricts foreign travel of domestic critics and others in disfavor. Although reliable figures are not available, it is estimated that some 5,000 Indonesians currently are not permitted to leave the country. This number includes critics of the Government, those arrested in the student riots of 1974, and others. However, other critics of the Government are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. Students do not need Government permission to go abroad to study. A departure tax of about $150, instituted to save foreign exchange, may deter some discretionary travel abroad.

Under its refugee policy, Indonesia has given first asylum to over 102,000 Indochinese refugees since 1975. The Indochinese refugee population stood at about 2,400 at the end of 1988. The United Nations High Commissioner for Refugees in Jakarta has documented that local government authorities pushed refugee boats away from Indonesian territory at least eight times in 1988. In one instance, one refugee was killed and another injured. Central government authorities have denied such "pushoffs" took place and reconfirmed Indonesia's policy of first asylum. Observers believe, however, that "pushoffs" continue to take place from time to time.

Although no accurate figures are available, it is believed that some residents of Irian Jaya who in previous years had crossed into Papua New Guinea returned voluntarily across the border.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Government's authority is largely concentrated in the hands of a small group of active-duty and retired military officers and civilian technocrats led by President Soeharto. This system ensures the continued preeminence of the military in all fields of governmental activity. The Parliament, political parties, and the general public have little ability to influence government decisions or to change the system or its leadership.

The Parliament considers laws presented to it by government departments and agencies but does not usually draft laws on its own. The Government seeks to resolve potential parliamentary concerns before the bills are officially presented. Parliament can change the text and occasionally intent of bills it reviews and did so in several instances in 1988. Bills of major significance are often passed with little or no alteration.

A 1975 law allows three political parties--one made up of four former Muslim political parties, and another of former nationalist and Christian parties. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which serves a role similar to that of a political party. Party leaders are approved or named by the Government, and party activities are closely scrutinized and often guided by government authorities. These factors weaken the parties' election prospects and diminish their ability to represent effectively their constituents' concerns to the Government. Except during election campaigns, the two parties may only maintain nominal representatives called commissioners below

the district level. Formally, the same restriction applies to GOLKAR. However, this system gives GOLKAR an advantage, since its civil service members have constant access to small towns and villages because of their official duties. The Communist Party of Indonesia (PKI), the former Socialist Party, and a formerly powerful Muslim party linked with separatist rebellions in the late 1950's, Masyumi, are specifically banned. With rare exceptions, members of the first and many leaders of the last are not allowed to run for office or to be active politically. Most former PKI detainees are now permitted to vote.

General elections for Parliament and for provincial and district assemblies are held every 5 years. GOLKAR won 73 percent of the national vote in the last elections in 1987. All adult citizens, except active-duty members of the armed forces, convicted criminals serving prison sentences, and some former PKI members, are eligible to vote. Voters cast ballots for party lists of candidates. Voting is not mandatory, but strong social pressures ensure participation. Protest votes take the form of blank or deliberately spoiled ballots. In several villages in Java in 1988, voters used these means as well as ballots cast into unmarked ballot boxes to reject government-proposed candidates running unopposed for the position of village head.

Under the 1985 election law, the Parliament elected in April 1987 consists of 500 members, 400 elected by the voters and 100 appointed by the Government from the armed forces. The People's Consultative Assembly (MPR) consists of Parliament plus 500 other members appointed by the President and by regional governments. The MPR, which convenes every 5 years, ended its most recent session in March 1988 after promulgating guidelines for government policy for the next 5 years and reelecting President Soeharto to a new 5-year term, with retired Lt. Gen. Sudharmono as Vice President. Although Sudharmono was the President's choice, there was open opposition to him and for the first time a competing candidate for the Vice Presidency. This was accompanied by modestly more open discussion of sensitive political issues in the press.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. Representatives of Amnesty International and other international human rights groups, for example, have been refused access to Indonesia. In 1988 the Government permitted representatives of Asia Watch to visit for the purpose of preparing a report on the rule of law, although Indonesian officials did not agree to discuss the subject with Asia Watch. Asia Watch's lengthy report, published in November, criticized what it described as "sweeping restraints on civil and political rights in Indonesia and East Timor." The Government uses its considerable powers to discourage meaningful human rights activities, including maintenance of close ties with foreign human rights organizaions.

Under a 1985 agreement with the Government, the ICRC conducts

nutritional surveys in vulnerable villages in East Timor; arranges reunification of divided families in East Timor and abroad (mainly Portugal); and arranges repatriation to Portugal of former Portuguese civil servants and their families in East Timor. In addition, the ICRC is permitted to visit prisoners convicted of participation in the 1965 Communist-backed attempted coup. There are no indications that the Government has decided to allow access by the ICRC or any other international humanitarian group to the numerous Muslim activists held prisoner in Indonesia. The Government has in the past provided some information on disappearances requested by the U.N. Human Rights Commission and by international humanitarian organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Some Indonesian women enjoy a high degree of economic and social freedom. Women occupy important midlevel positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. The Cabinet appointed in 1988 includes 2 women out of a total of 41 positions. Although legislation guarantees women equal treatment, women seldom receive equal pay for equal work. In addition to a government-sponsored women's organization in which membership and participation are strongly encouraged for the spouses of civil servants, several voluntary, private groups work to advance women's legal, economic, and political rights. Chief among these is the Congress of Indonesian Women, an umbrella organization for some 55 women's groups.

Although many people of Chinese ancestry resident in Indonesia have achieved marked success in business and the professions, strong official and informal discrimination affects many other ethnic Chinese. They are pressured to take Indonesian names. While encouraged to become citizens, some Chinese find legal avenues to citizenship blocked or are discouraged by the time-consuming and expensive task of obtaining citizenship documents. Chinese who have been unable to obtain Indonesian citizenship can lose their right to residence should they be abroad for a period of more than 3 months. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, teaching in Chinese languages, the formation of exclusively Chinese cultural groups or trade associations, and the use of Chinese characters on signboards or in publications. However, these restrictions are not always observed in practice, and social and religious groups which are, in effect, all-Chinese are not proscribed and do exist.

Section 6 Worker Rights

a. The Right of Association

Indonesian workers in the private sector are organized in a single national body--the All Indonesia Workers Union (SPSI). The SPSI consists of approximately 10,220 local unions and has a membership of about 3 million. There is pressure on its officials to join the government-sponsored GOLKAR political organization and GOLKAR members dominate the leadership. The total work force is about 70 million. The SPSI is the only union or federation that meets the requirements for legal

Nevertheless, a number of other groups and professional organizations function as quasi-trade unions and operate openly. Some are sanctioned by the Government and others are not. Unions draw up their own constitutions and rules and elect their representatives. Regulations ensure the integrity of the process. The Government views unions as an essential component of its development plans, with the role of increasing worker participation in development, maintaining industrial peace, and raising member consciousness and understanding of Pancasila as it applies to industrial relations. The SPSI performs these functions and has had some success in negotiating collective bargaining agreements.

The SPSI publicly addresses all matters affecting the work force, though criticisms, evaluations, and observations are formulated within the framework of Pancasila industrial relations, which emphasize consultation among the parties and avoidance of confrontation.

Government approval is needed for meetings held outside SPSI headquarters. Permission is routinely given to SPSI and to other nonregistered organizations overtly functioning as unions. The SPSI represents workers before the International Labor Organization (ILO). The Ormas Law discussed above governs the activities of SPSI and the quasi-unions. Although the SPSI maintains extensive international contacts, it is not affiliated with any international trade union organization, except the ASEAN Trade Union Council. Some of the trade unions not legally recognized by the Government, however, are associated with international trade union bodies.

All workers organized in labor unions have a legal right to strike with the exception of employees in the 21 industries designated by a Presidential Decree in 1963 as vital to the national interest. These industries employ about 170,000 workers. A union must notify the local manpower office that its attempts to resolve disagreements through negotiations have failed and that the union will go on strike. No approval is required. While there have been some exceptions in practice, civil servants and employees of state enterprises do not have the right to join unions or to strike. They must belong to the Indonesian Corps of Civil Servants (KORPRI)--a nonunion association.

By government regulation, a separate and compulsory dispute resolution and appeals process exists for civil servants and employees in "vital" industries to protect their interests in the event of a labor dispute. In the private sector, excluding the industries deemed vital by the 1963 Decree, arbitration is not compulsory. In the event of an industrial dispute, the parties submit their case to an administrative tribunal on which they have representatives. The parties themselves decide the means of resolving the dispute.

Indonesia has ratified ILO Convention No. 98 on the Right to Organize and Collective Bargaining, but has not ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organize.

The American Federation of Labor and Congress of Industrial

definition of "state employee." The ILO's Committee on Freedom of Association has under consideration a 1987 complaint by the International Confederation of Free Trade Unions which alleges that Indonesian legislation restricts trade union rights, contrary to the principles of freedom of association and the provisions of ILO Convention No. 98. The Committee requested, at its November 1988 session, that the Government take steps to amend its legislation in some of these areas and to provide additional information on others.

b. The Right to Organize and Bargain Collectively

The right to bargain collectively is guaranteed by law. Collective bargaining agreements are vigorously endorsed by the Department of Manpower and viewed as hallmarks of Pancasila industrial relations. They are the principal instruments for achieving a sense of coresponsibility for industrial relations. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with the employers.

The law protects collective bargaining agreements and the negotiating process by imposing obligations on both the union and the employer. Both parties are obligated to execute agreements upon request and to bargain in good faith. Once an employer is notified that 25 employees have joined the union, it is under a statutory obligation to bargain, and the union has an absolute right to conclude a labor agreement. As a transitional stage to encourage union organization, employment regulations require that every company employing 25 or more employees issue a company regulation covering terms and conditions of employment. There are no laws which prevent collective bargaining from taking place in export processing zones, and some of the companies in such zones have SPSI units, but there are no collective bargaining agreements in the zones.

Regulations expressly forbid employers from prejudging or harassing any employee because of union membership, and employees are urged to report harassment to the Government. The SPSI claims, nevertheless, that its members and those wishing to form SPSI units are the objects of employer discrimination. Companies are required to provide office space for local union headquarters; to allow union officers time off from the job to conduct union business; and to grant liberal leave, consistent with maintaining normal operations of the firm, for training and attending regional meetings of the SPSI.

Labor disputes are resolved by a system of regional and central tripartite committees. These bodies hear the contentions of all parties and issue executable, enforceable decisions. The parties can elect binding bipartite arbitration in lieu of the tripartite settlement mechanism. The Minister of Manpower can nullify decisions of the central committees on grounds of legality or national interest. Decisions of the regional or central committees and decisions of private arbitrators can be enforced through the courts. Although technically the Minister of Manpower's decision can be appealed to the courts, in practice it is rarely done.

Workers can organize without restriction in a private enterprise even if it is designated vital by the Government.

If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not limit organizing. There are a significant number of government/private joint ventures which have labor unions and which bargain collectively.

The 1987 ICFTU complaint alleged that Indonesian regulations permit only the SPSI to register as a legitimate trade union, thereby conflicting with the ILO convention to encourage and promote collective bargaining, and that laws in place do not satisfy the antiunion discrimination requirement of ILO Convention No. 98. Several organizations carry out trade union functions independent of the SPSI. Regulations promulgated in October 1986, which address ICFTU allegations of union discrimination, were not cited in the complaint. The ICFTU complaint also alleged that public servants and employees involved in public undertakings or in enterprises in which the State participates must belong to KORPRI; that KORPRI does not and cannot perform trade union functions; and that compulsory membership of these employees in KORPRI negates the right to organize freely.

By law, civil servants and employees of state enterprises must belong to KORPRI, an association chaired by the Minister of Home Affairs. KORPRI has autonomy and mechanisms for protecting its members. The KORPRI employment relations bureau, for example, represents employees in the settlement of disputes. There is also an appeal level for dispute settlement called the employees advisory board. KORPRI defends its ability to protect workers by noting that its members generally enjoy a higher standard of living than do workers in the private sector. KORPRI members in state enterprises are permitted to negotiate agreements on working conditions. These are usually in the form of company regulations rather than collective agreements.

c. Prohibition of Forced or Compulsory Labor

Forced labor is strictly prohibited and in practice it does not exist. Indonesia has agreed to be bound by ILO Convention No. 29 concerning forced labor. No reports charge the use of forced labor in Indonesia in modern times.

d. Minimum Age for Employment of Children

On February 7, 1987, the Indonesian Department of Manpower issued new regulations on child labor, which note that Indonesia's child protection laws have not been properly carried out. The new regulations also acknowledge a class of children who have to work to support their families and themselves. Such employment must be with the permission of the child's parents or guardians. Dangerous work is specifically forbidden. For children under age 14, the working day is limited to 4 hours, night work is forbidden, and wages are to be paid at the prevailing rate. Employers with youths under age 14 on the payroll are required to cooperate with public authorities to assure that the children have an opportunity to get an elementary education within the framework of the compulsory schooling law. Enforcement of the child labor laws has improved substantially by the new regulations. Employers are now required to report in detail on every child employed by name, age, date, time of employment, and line of work. The Manpower Department is to conduct periodic inspections, and sanctions for violations are

for working children continue to be serious problems in Indonesia, despite government efforts to strengthen the law in the area. The Government is on record as actively supporting programs and private organizations that promote and publicize child welfare and protection and has a liaison person who maintains contact with such groups. With the 1987 regulations, labor inspectors at the district level have the mandate to inspect factories to ensure enforcement. Inspectors have been tasked with checking closely cigarette companies and agricultural sites where violations have occurred in the past. The Government's approach to date, however, has been mainly to persuade and attempt to teach employers rather than to penalize.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with 1/2 hour of rest for each 4 hours of work. In the absence of a national minimum wage, minimum wages are established for each region and for sectors and subsectors within the region by regional wage councils working under the supervision of the National Wages Council. This is a quadripartite body consisting of representatives from labor, management, government, and the universities. It establishes a basic physical need for each province--a monetary amount enabling a single worker or family to meet basic needs of nutrition, clothing, and shelter. The annually calculated figure reflects changes in the local Consumer Price Index (CPI) for food, clothing, housing, transportation, and other family needs. Factors considered by the quadripartite bodies in setting minimum wage rates include changes in the local CPI, skill level of workers, local supply of manpower, and the ability of firms to pay. Many minimum wage rates fall short of providing the decent standard of living the Government envisages. The minimum wage in the capital of Jakarta ranges between the equivalent of $ 0.94 and $1.23 per day, depending on the industry.

Wage levels do not account for total labor costs. An extensive body of labor law and ministerial regulation provide workers with: vacation pay, maternity leave, public holidays, generous overtime and sick leave pay, guaranteed severance and service pay, paid leave for personal and family occasions, and protection from delay in wage payments. In addition, workers receive transportation allowances, food allowances in cash or kind or both, and holiday bonuses. Workers in more modern facilities often receive health benefits, social security contributions, and free meals.

While there is no legal differentiation between workers in free export zones and those who work elsewhere, companies in free export zones can obtain specific exemptions from applicable regulations upon request. One such company has obtained permission from the Department of Manpower to deviate from the normal working hours. Observance of the minimum wage figure varies from sector to sector and from region to region, and there are no reliable figures on overall compliance.

GDP per capita in 1986 was only $453. Figures from 1983, the latest available, show that 26 percent of urban dwellers and 44 percent of rural population live below the absolute poverty level as defined by the World Bank.

still in the early stages of development that has received greatly increased emphasis by the Department of Manpower over the last 2 years. Safety and health programs in the country's 100,500 larger, registered industries in the nonoil sector are hampered by a limited number of qualified inspectors (less than 1,200); the slowness with which the firms established the required plant safety committees (only about 4,500 as of March 1987); and the need for more and better training of government inspectors and plant safety personnel.

In January the Manpower Department launched a month-long national health and safety campaign whose primary goal was to sensitize Ministry staff, firms, and workers to the importance of carrying out effective safety and health programs in the workplace. The Department called for a more coordinated effort between Government, private institutions, and the labor force in developing programs which address safety and health concerns in the workplace and it requested the Association of Indonesian Technical Inspectors to increase educational and training programs. The Department also entered into a contract with a private foundation to assist in developing safety and health programs which can be put into place in offices, factories, workshops, and shopping centers throughout the country.